2013 DRAFTING REQUEST

| Assen | nbly Su | bstitute Ai | nendm | ent (ASA-A | AB240) | | | | |
|---|--------------------|-----------------|------------------|------------------------|---------|---------------------|---------------------|--|--|
| Receiv | eceived: 11/8/2013 | | | | | Received By: | mgallagh | | |
| Wante | d: | As time permits | | | | Same as LRB: | | | |
| For: | \$ | Stephen Nass | s (608) 2 | 66-5715 | | By/Representing: | Mike M. | | |
| May C | ontact: | | | | | Drafter: | mgallagh | | |
| Subject: Occupational Reg misc | | | | Addl. Drafters: | | | | | |
| | | | | | | Extra Copies: | | | |
| Submit via email: Requester's email: Carbon copy (CC) to: YES Rep.Nass@legis.wisconsin.gov michael.gallagher@legis.wisconsin.gov | | | | | | | | | |
| Pre To | opie: | | | | | | | West Market State Control of the Con | |
| No spe | ecific pre | topic given | | | | | | | |
| Topic : Define | | nce requireme | ents; limi | t rule-making | | | | econolis contrar an existence existence | |
| Instru | ections: | | | | | | | | |
| See att | tached | | | | | | | | |
| Drafti | ing Histo | ory: | | | | | | | |
| Vers. | Drafted | Revi | ewed | Typed | Proofed | Submitted | <u>Jacketed</u> | Required | |
| /? | mgallag 11/11/2 | | vin 1/2013 | jfrantze 11/11/2013 | | - | | | |
| /1 | | | | | | srose 11/11/2013 | srose 11/11/2013 | | |
| FF Se | nt For | | | | | | | | |

<**END>**

2013 DRAFTING REQUEST

| Assembly | Substitute | Amendment | (ASA-AB240) |
|----------|------------|-----------|-------------|
|----------|------------|-----------|-------------|

Received:

11/8/2013

Received By:

mgallagh

Wanted:

As time permits

Same as LRB:

For:

Stephen Nass (608) 266-5715

By/Representing: Mike M.

May Contact:

Drafter:

mgallagh

Subject:

Occupational Reg. - misc

Addl. Drafters:

Extra Copies:

Submit via email:

YES

Requester's email:

Rep.Nass@legis.wisconsin.gov

Carbon copy (CC) to:

michael.gallagher@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Define experience requirements; limit rule-making

Instructions:

See attached

Drafting History:

Vers. Drafted

Reviewed

Proofed

Submitted

Jacketed

Required

/?

mgallagh

FE Sent For:

<END>

<u>Typed</u>

Gallagher, Michael

From:

Mikalsen, Mike

Sent:

Friday, November 08, 2013 2:16 PM

To:

Gallagher, Michael

Subject:

New Amendment request on AB 240 and SB 208

Attachments:

Proposed_amendment2_AB240.docx

Michael,

Rep. Nass would like an Assembly Substitute Amendment drafted to each AB 240 and SB 208. I have attached a document that outlines the actual changes being requested.

If you have any questions, please don't hesitate to contact me.

Mike Mikalsen Research Assistant and Policy Advisor Office of Representative Steve Nass 33rd Wisconsin Assembly District

(888) 529-0033 Toll-Free (Wisconsin Only) (608) 266-5715

PROPOSAL FOR AMENDMENT 2 TO AB240

SECTION 2. 452.09 (4) of the statutes is created to read:

452.09 (4) EXPERIENCE REQUIREMENTS FOR BROKER'S LICENSE APPLICANTS. (a) An applicant for a broker's license who is an individual shall submit to the board evidence satisfactory to the board that the applicant has practiced as a salesperson under the direct supervision of a licensed broker for at least 2 years within the last 4 years preceding the date of the applicant's application for a broker's license, excluding any time the applicant spent in an apprenticeship under sub. (5).

1. Evidence satisfactory to the board for the purposes of this section means the applicant must have completed, the following required criteria for at least 2 years within the last 4 years preceding the date of the applicant's application for a broker's license:

Achieve 40 points by completed or closed transactions.

Residential - 5 points each

Residential (single family dwelling), residential (2-4 unit dwelling), improved and vacant lots zoned residential

Commercial (5 or more units) - 10 points each

Business opportunities, vacant land zoned commercial, hotel/motel, industrial or warehouse, office buildings, retail building, property used for commercial purposes

Property Management – each unit managed .5 point/month or each property management contract 1 point/month

Residential and commercial

Time Share - 1 point each

(e) The board may waive any requirement under par. (a), (b), (c), or (d) for any applicant based on standards established by the board by rule, and the board may promulgate other rules to implement (a)1, including rules that establish standards concerning an applicant's practice or experience related to real estate, including ancillary services used in transactions.

Gallagher, Michael

From:

Mikalsen, Mike

Sent:

Monday, November 11, 2013 10:27 AM

To:

Gallagher, Michael

Cc:

Lakin, Tim; Cori M. Lamont; Burri, Lance; Turke, Jon; Lovell, David

Subject:

RE: Possible amendment to AB 240, the broker license bill

Attachments:

Proposed_amendment2_AB240.docx

Mike,

Rep. Nass is fine with you talking to Lance Burri of Sen. Gudex's Office regarding the substitute amendment being developed on AB 240 and SB 208.

If I understand the situation correctly, the substitute amendment should incorporate:

- -the original language of AB 240/SB 208 as amended by AA 1/SA 1,
- -the changes submitted by Rep. Nass (document sent over on November 8th) also attached.
- -the correction identified by the Mike Gallagher of LRB.

Rep. Nass is fine with all of these changes being incorporated into his substitute amendment. Please draft it to both AB 240 and SB 208.

Mike Mikalsen Research Assistant and Policy Advisor Office of Representative Steve Nass 33rd Wisconsin Assembly District

(888) 529-0033 Toll-Free (Wisconsin Only) (608) 266-5715

From: Cori M. Lamont [mailto:CoriL@wra.org] **Sent:** Monday, November 11, 2013 9:48 AM **To:** Burri, Lance; Turke, Jon; Lovell, David

Cc: Lakin, Tim; Mikalsen, Mike; Gallagher, Michael

Subject: RE: Possible amendment to AB 240, the broker license bill

Lance,

This change appears to work.

Wis. Stat. 452.03 which is not part of this legislation requires the salesperson to be licensed so Mike's suggestion does not alter that in anyway. However, he may consider on page 2 adding the word licensed before salesperson on line 10 to make it clear.

His suggestion does modify changes made in Amendment 1 which was technical in nature. Amendment 1 re-inserted the examination requirements that were accidently deleted in the original language. While his recommendation does make a slight tweak to Amendment 1 it does continue to keep the examination requirements so it still meets that amendment's objective.

Please let me know if you have any other questions.

Cori

Cori M. Lamont
Director of Regulatory Affairs
Wisconsin REALTORS® Association
4801 Forest Run Road

Madison, WI 53704

tel: 608-241-2047 | fax: 608-241-5168 | www.wra.org

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From: Burri, Lance [mailto:Lance.Burri@legis.wisconsin.gov]

Sent: Monday, November 11, 2013 9:00 AM **To:** Turke, Jon; Cori M. Lamont; Lovell, David **Cc:** Lakin, Tim; Mikalsen, Mike; Gallagher, Michael

Subject: Possible amendment to AB 240, the broker license bill

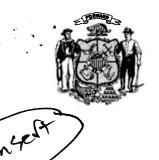
Got the email from Mike Gallagher (below) this morning. What Mike says is, unless we cross out the "who does not hold a salesperson's license" part, we'll be affecting only a small group of people who don't currently hold a salesperson's license.

So that paragraph (page 2, lines 2-6) would end up saying:

"Except as provided under s. 452.12 (2) or in a reciprocal agreement under s. 452.05 (3), the board may not grant a broker's license to an applicant who does not hold a salesperson's license unless the applicant passes the salesperson's examination and the broker's examination and meets meet the requirements under this section sub (4)."

If everybody agrees, we might as well wrap that in with the amendment we're already doing, which brings me to: who called that amendment in, and could you please give Mike Gallagher permission to talk with us about it?

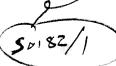
Lance Burri Office of Sen. Rick Gudex 608-266-5300



ASA to AB 240

2013 ASSEMBLY BILL 240





Pore

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June 6, 2013 - Introduced by Representatives Steineke, Spiros, Bewley, Ohnstad, Knurson, Riemer, Krug and Genrich, cosponsored by Senators Gudex, Erpenbach, Schultz, Kedzie, Cowles, L. Taylor and Shilling. Referred to Committee on Housing and Real Estate.

gencat

LPS: make chauge marked in Topic on request sheet

AN ACT to amend 452.09 (3) (d); and to create 452.09 (4) of the statutes;

relating to: experience requirements for real estate brokers and granting

rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Real Estate Examining Board (board) issues licenses for real estate brokers and real estate salespersons. Generally, the board may not grant a broker's license to an applicant who does not already hold a salesperson's license or who has not passed the examination for licensure as a salesperson in addition to passing the broker's examination.

This bill establishes the requirement that an applicant for a broker's license must submit evidence satisfactory to the board that the applicant has practiced as a salesperson under the direct supervision of a licensed broker for at least two years within the last four years preceding the date of the applicant's application for the broker's license. Any time spent as an apprentice may not be applied to satisfy that requirement. If the applicant is an attorney licensed to practice law in Wisconsin, the applicant may satisfy that requirement by demonstrating to the board's satisfaction that the applicant has real estate-related experience. If the applicant is a building contractor that holds a current certificate of financial responsibility issued by the Department of Safety and Professional Services, the applicant may satisfy that requirement by demonstrating to the board's satisfaction that the applicant has experience related to real estate sales. If the applicant is a nonresident, the applicant may satisfy that requirement by demonstrating to the

ASSEMBLY BILL 240

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board's satisfaction that the applicant has been licensed as a real estate broker under the laws of another state for at least two of the last four years preceding the person's application for a broker's license in Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 452.09 (3) (d) of the statutes is amended to read:

452.09 (3) (d) Except as provided <u>under s. 452.12 (2) or</u> in a reciprocal agreement under s. 452.05 (3), the board may not grant a broker's license to an applicant who does not hold a salesperson's license unless the applicant passes the

salesperson's examination and the broker's examination meet the requirements

under this section (Sub. (4)

SECTION 2. 452.09 (4) of the statutes is created to read:

452.09 (4) EXPERIENCE REQUIREMENTS FOR BROKER'S LICENSE APPLICANTS. (a) An applicant for a broker's license who is an individual shall submit to the board evidence satisfactory to the board that the applicant has practiced as a salesperson under the direct supervision of a licensed broker for at least 2 years within the last 4 years preceding the date of the applicant's application for a broker's license, excluding any time the applicant spent in an apprenticeship under sub. (5).

- (b) An applicant who is licensed to practice law in this state may satisfy the requirement under par. (a) by submitting to the board evidence satisfactory to the board that the applicant has experience related to real estate.
- (c) An applicant who holds a current certificate of financial responsibility under s. 101.654 may satisfy the requirement under par. (a) by submitting to the board evidence satisfactory to the board that the applicant has experience related to real estate sales.

ASSEMBLY BILL 240

| (d) Except as provided in a reciprocal agreement under s. 452.05 (3), an |
|---|
| applicant for a broker's license who is a nonresident may satisfy the requirement |
| under par. (a) by submitting to the board evidence satisfactory to the board that the |
| applicant has been a licensed broker under the laws of another state for at least 2 |
| years within the last 4 years preceding the date of the applicant's application for a |
| broker's license. |
| (e) The board may waive any requirement under par. (a), (b), (c), or (d) for any |
| applicant based on standards established by the board by rule, and the board may |
| promulgate other rules, including rules that establish standards concerning an |
| applicant's practice or experience related to real estate, including ancillary services |
| used in transactions |
| SECTION 3. Initial applicability. |
| (1) This act first applies to an application for a real estate broker's license |
| submitted to the real estate examining board on the effective date of this subsection. |
| Section 4. Effective date. |
| (1) This act takes affect on July 1, 2014 |

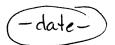
(END)

2013-2014 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

| 1 | INSERT 2–13 |
|----|---|
| 2 | 2. Except as provided under pars. (b) to (e), the board may not accept evidence |
| 3 | as satisfactory under subd. 1. unless the evidence demonstrates that the applicant's |
| 4 | experience as a licensed salesperson qualifies the applicant for a total of at least 40 |
| 5 | points based on the following point system: |
| 6 | a. Each completed or closed residential transaction is worth 5 points. |
| 7 | b. Each completed or closed commercial transaction is worth 10 points. |
| 8 | c. Each property management contract is worth 0.5 points per month. |
| 9 | d. Each completed or closed time share is worth one point. |
| 10 | END INSERT 2–13 |

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

13s0182/1dn MPG:..... Sac



Representative Nass:

This draft substitute amendment deletes the "including rules" phrase from the draft (see page three, line nine of AB 240 and SB 208), but I did not include the "to implement [par.] (a) 1." language from the drafting instructions because the board already has the authority to promulgate rules implementing par. (a) 1., created in the draft, under its general rule—making authority under ch. 227. Please let me know if you still want to include that language.

Please do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher Legislative Attorney Phone: (608) 267–7511

E-mail: michael.gallagher@legis.wisconsin.gov

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBs0182/1dn MPG:sac:jf

November 11, 2013

Representative Nass:

This draft substitute amendment deletes the "including rules" phrase from the draft (see page three, line nine of AB 240 and SB 208), but I did not include the "to implement [par.] (a) 1." language from the drafting instructions because the board already has the authority to promulgate rules implementing par. (a) 1., created in the draft, under its general rule—making authority under ch. 227. Please let me know if you still want to include that language.

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Thank you.

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